

Prob12B
D/NV Form
Rev. June 2014

United States District Court
for
the District of Nevada

REQUEST FOR MODIFICATION
TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER
Probation Form 49 (Waiver of Hearing) is Attached
April 11, 2023

Name of Offender: **Carl Edward Belt**

Case Number: **2:18CR00306**

Name of Sentencing Judicial Officer: **Honorable James C. Mahan**

Date of Original Sentence: **May 3, 2019**

Original Offense: **Felon in Possession of a Firearm**

Original Sentence: **51 Months prison, followed by 36 Months TSR.**

Date Supervision Commenced: **August 3, 2022**

Name of Assigned Judicial Officer: **Honorable James C. Mahan**

PETITIONING THE COURT

To modify the conditions of supervision as follows:

1. **Residential Reentry Center – You must reside in a residential reentry center for a term of up to 120 days. You must follow the rules and regulations of the center.**

CAUSE

On May 3, 2019, Carl Edward Belt was sentenced by your Honor to a term of 51 months custody followed by three (3) years of supervised release for the offense of Felon in Possession of a Firearm, a Class C Felony. Belt was released from custody on August 3, 2022, to which he commenced his supervision term in the District of Arizona. Belt is currently living with his child and the child's mother in Bullhead City, Arizona.

On September 22, 2022, Your Honor modified Belt's conditions to include a domestic violence program. Due to Belt's prior history of domestic violence, the District of Arizona required that this condition be added for Belt to remain in their district per their district's policy related to domestic violence. Belt successfully completed domestic violence counseling.

RE: Carl Edward Belt

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The purpose of this report is to inform Your Honor of additional violations. Belt was referred for a substance abuse assessment with Southwest Behavioral Health. On October 21, 2022, Belt admitted to using marijuana prior to submitting to a random urinalysis test. Belt submitted to two additional random urinalysis tests (December 4, 2022 and January 30, 2023) and both were positive for marijuana. Belt completed outpatient substance abuse treatment on January 3, 2023. While Belt was in treatment, he and Probation discussed at length the consequences he could face if he continued the same behavior and although Belt acknowledged that he understood what could potentially happen with his case, he has not stopped using marijuana.

On April 2, 2023, during a routine home inspection Belt admitted that he has continued using marijuana. Probation observed a tray with marijuana residue in plain view. When Belt was asked if he had anything else, he provided a mason jar, a quart sized bag and two-gallon Ziploc bags with marijuana. Belt agreed to discard all the marijuana. Probation confirmed that this was completed.

On April 3, 2023, The District of Arizona informed the District of Nevada that they would be closing interest of supervision in this case due to Belt's continued non-compliance and he would have to return to the District of Nevada.

On April 10, 2023 the undersigned officer telephonically contacted Belt and directed him to report to the probation office in Las Vegas on Tuesday April 10, 2023. During the phone call, Belt admitted that he last used marijuana on Sunday April 9, 2023.

On April 11, 2023, Belt reported as directed and submitted a presumptive positive drug test for marijuana. Belt signed an Admission Report that he last used marijuana on April 9, 2023.

As indicated in this report, Belt has tested positive for marijuana and admitted to such use on more than four (4) occasions within the past six (6) months. Pursuant to 18 U.S.C. § 3583 (g)(4) revocation is mandatory for testing positive for an illicit substance more than three (3) times in a 12-month period.

Pursuant to 18 U.S.C. § 3583(g)(1) revocation is mandatory for possession of a controlled substance in violation of the condition set forth in subsection (d). Belt was in possession of marijuana in his home that were recovered by U.S. Probation Officers on April 2, 2023.

Probation would ordinarily initiate revocation proceedings due to the allegations of possession of a controlled substance. However, we are first asking Your Honor to modify his conditions requiring him to reside at the RRC. Moreover, this will remove him from the residence in the District of Arizona. This condition will enable our office to satisfy the statutory requirements to keep informed of the conduct and condition of the person under supervision and aid the person under supervision and bring about improvements in his conduct. Additionally, it will emphasize the importance of complying with all conditions, in hopes of dissuading further violation conduct. Belt agrees with the modification as evident by his signature on the attached Waiver of Hearing to Modify Conditions of Supervised Release (Prob 49).

RE: Carl Edward Belt

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Should the Court have any questions or concerns regarding this matter, the undersigned can be reached at (702) 378-2338.

Respectfully submitted,

Nickie Pipilakis
United States Probation Officer

Approved:

Todd J. Fredlund
Supervisory United States Probation Officer

THE COURT ORDERS

- No Action.
- The modification of conditions as noted above
- Other (please include Judicial Officer instructions below):

Xem C. Mahan
Signature of Judicial Officer
April 13, 2023

Date

PROB 49
(3/89)

UNITED STATES DISTRICT COURT
District of Nevada

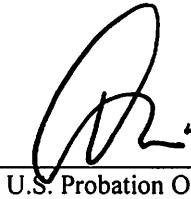
Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

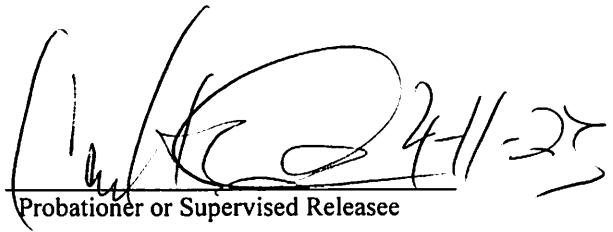
1. **Residential Reentry Center – You must reside in a residential reentry center for a term of up to 120 days. You must follow the rules and regulations of the center.**

Witness



U.S. Probation Officer

Signed



Probationer or Supervised Releasee

Date

4/11/2023